

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Paul B. Hernández
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Lourdes Lozano

City Council Summary Agenda December 11, 2012 7:00 P.M.

Meeting was called to order at 7:08 p.m.

Call to Order/Roll Call of Council Members – All Present

- a. Councilwoman Vivian Casals Munoz – Present
- b. Councilman Jose Caragol – Present
- c. Councilwoman Katharine Cue-Fuente – Present
- d. Council President Isis Garcia-Martinez – Present
- e. Council Vice President Luis Gonzalez – Present
- f. Councilman Paul Hernandez – Present
- g. Councilwoman Lourdes Lozano – Present

Also present were:

- a. Carlos Hernandez, Mayor
- b. Marbelys Rubio, Acting City Clerk
- c. William Grodnick, City Attorney

Invocation given by Marbelys Rubio, Acting City Clerk

Pledge of Allegiance led by Councilwoman Lourdes Lozano

ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

Presentations –

Presentation by Marla Alpizar, Director of the Communications and Special Events Department and Ricardo Suarez, Chief Information Officer of the Information Systems Department, of a demo of the new City website.

Presentation by Mayor Carlos Hernandez to the family of Jason Valdes, of a DVD of the street dedication ceremony for Jason Valdes held on November 30, 2012.

1. Announcement of Amendments/Corrections to the Agenda –

- a. The Council Meeting scheduled to be held on Tuesday, December 25, 2012 is cancelled in observance of Christmas Day.
- b. Items Q, R, S and T were added to the Consent Agenda.
- c. A copy of item 3 was placed on the dais to include amended language on the header of the proposed ordinance.

2. Consent Agenda –

Mayor Hernandez withdrew Item D from the Consent Agenda.

Motion to Approve the Consent Agenda minus Item D made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente – motion passed 7-0.

- A. Request from the Church of St. Benedict for a carnival permit on church grounds, 701 West 77 Street, Hialeah, Florida, from February 21, 2013 to February 24, 2013. (OFFICE OF THE CITY CLERK) – APPROVED (7-0)
- B. Report of Scrivener's Error – Correction of name of carrier. Expansion of its ground lease with Metro PCS Florida LLC with its co-location of its wireless communications facility should be with AT&T on the monopole communications tower located at McDonald Park, 7505 W 12 Avenue, Hialeah, Florida. APPROVED (7-0)
- C. Report of Scrivener's Error – The budget transfer is incorrect. It should be a supplemental appropriation of \$548,500 to revenue account 132.0000.331.900 – NSP1 Revenue and to expense account 132.8325.554.331. APPROVED (7-0)
- D. Proposed resolution supporting Police Officer and Firefighter Pension Plan and Disability Presumption Reforms to make the plans sustainable, sound and secure for current and future police officers and firefighters. APPROVED (7-0) RESOLUTION 2012-134

Mayor Hernandez mentioned that this proposed resolution supports the Florida League of Cities and will allow the City the ability to adjust pension benefits in benefit of police officers and fire fighters.

Council Vice President Gonzalez said that this matter is a priority for most cities.

Motion to Approve made by Council Vice President Gonzalez and seconded by Councilwoman Casals-Muñoz.

- E. Proposed resolution authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into an Interlocal Agreement with Hialeah Housing Authority to utilize the services of a Hialeah Police Detective to perform investigative and related services in connection with the responsibilities of the Fraud Department of the Hialeah Housing Authority for a term of one year commencing on or about January 15, 2013 and

ending on or about January 14, 2014 for an annual sum of \$115,000, payable to the City in equal monthly installments, in substantial form as attached hereto and made a part hereof as Exhibit "1". **APPROVED (7-0) RESOLUTION 2012-135**

- F. Proposed resolution approving the co-designation of a portion of Palm Avenue at the intersection of West 3 Street, Hialeah, Florida, as "Anthony V. Watson Way", in honor and memory of the outstanding service of Anthony V. Watson to the United States of America and the City of Hialeah and its residents, with the cost of signage to be paid by the City. (OFFICE OF THE CITY CLERK) **APPROVED (7-0) RESOLUTION 2012-136**
- G. Proposed resolution amending the Operating Budget to increase certain Line Item Expenses in Fiscal Year 2012-2013 for commitments that were made in Fiscal Year 2011-2012, which were not concluded in that budget year, to pay for such encumbrances in Fiscal Year 2012-2013 and providing funding for same. **APPROVED (7-0) RESOLUTION 2012-137**
- H. Request permission to increase purchase order # 2013-1237, since it is advantageous to the City, issued to A-Kid's Party Express, Inc., to provide children's rides, bounce houses, games, related equipment, operators, tents and services for Art on Palm, for Eggstravaganza, and for other events as needed, by an additional amount of \$11,600, for a new total cumulative amount not to exceed \$23,600. (EDUCATION & COMMUNITY SERVICES DEPT.) **APPROVED (7-0)**
- I. Request permission to waive competitive bids, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to South Florida Awnings, Inc., for Aluminum Awnings at Milander Auditorium, for a total cumulative amount not to exceed \$17,394. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- J. Request permission to waive competitive bids, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to Tolfar Inc., d/b/a Toledo Restaurant Equipment, for Kitchen Equipment at Milander Auditorium, for a total cumulative amount not to exceed \$178,813. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- K. Request permission to award Bid # 2012/13-3230-00-022 and issue a purchase order to Thevenin Enterprises, Inc., sole responsive bidder, for Fire Stopping for the 72-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$26,000. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- L. Request permission to award Bid # 2012/13-3230-00-013 and issue a purchase order to Hurst Awning Company, Inc., sole responsive bidder, for Impact Windows and Glass Doors for the 36-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$114,792.80. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- M. Request permission to reject Bid # 2012/13-3230-00-014, for Metal Doors, Frames and Hardware for the 36-Unit Elderly Housing Project, because the bid received was too high.

(CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (7-0)**

- N. Request permission to award Bid # 2012/13-3230-00-012 and issue a purchase order to Unlimited Roofing Services, Inc., lowest responsive bidder, for Roofing and Light Weight Concrete for the 36-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$73,300. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- O. Request permission to increase purchase order # 2013-906, since it is advantageous to the City, issued to Tropic Oil Company, to purchase oil and lubricants for City vehicles, by an additional amount of \$30,000, for a new total cumulative amount not to exceed \$45,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- P. Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Garden Techs Landscaping Contractor & Property Maintenance Inc., for the purchase of trees, plants and other landscaping items for the West 49 Street Landscape Median project, for a total cumulative amount not to exceed \$32,920. (STREETS DEPT.) **APPROVED (7-0)**
- Q. Report of Scrivener's Error – Addition of vendors providing the necessary equipment for the thirty-two 2013 Ford Interceptor Utility (P2L): Motorola Solutions, Inc. (vendor # 12138) for trunk radio head; and Rainbow Window Tinting (vendor # 21914) for emergency lights, laptop mounts, etc. (OFFICE OF THE CITY CLERK) **APPROVED (7-0)**
- R. Report of Scrivener's Error – Addition of vendors providing the necessary equipment for the ten 2013 Ford Interceptor Utility (K7A): Motorola Solutions, Inc. (vendor # 12138) for trunk radio head, and Rainbow Window Tinting (vendor # 21914) for emergency lights, laptop mounts, etc. (OFFICE OF THE CITY CLERK) **APPROVED (7-0)**
- S. Request permission to waive competitive bids, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to Art Landscaping Corp., for the landscaping at Milander Auditorium, for a total cumulative amount not to exceed \$73,330. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- T. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an agreement for a term of four years with Canon Financial Services, Inc., for the lease of one Canon color copier for use at the print shop for a total annual base cost of \$9,120.00 at a cost of \$0.0125 for black and white impressions and \$0.055 for color impressions; authorizing the expenditure thereof and further authorizing the execution of all documents, including a maintenance agreement with Delta Business Solutions, Inc., in furtherance thereof, in a form acceptable to the City Attorney. **APPROVED (7-0) RESOLUTION 2012-138**
3. First reading of proposed ordinance amending Chapter 18 entitled "Businesses" of the Code of Ordinances and in particular, amending Article VI., Division 2. entitled "Peddlers, Itinerant Vendors" amending the definition of "Peddlers and Itinerant Vendors",

establishing restrictions on the use of the public rights-of-way by peddlers when soliciting or engaging in sales, excluding areas where peddlers can conduct business, limiting hours of operation, amending the goods not allowed to be sold; eliminating the distance separation requirement, establishing restrictions on display and storage of goods sold; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. **APPROVED (7-0)**

Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilwoman Casals-Muñoz.

4. Second reading of proposed ordinance approving the release of a water line easement as recorded in official records book 1816 at pages 2375-2377, in the public records of Miami-Dade County, Florida. **The Easement located inside 1700 West 49 Street, Hialeah, Florida and as more particularly described and depicted in Exhibit “A” to the Easement for water line being released.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0)**
ORDINANCE 2012-83

Motion to Approve made by Council Vice President Gonzalez and seconded by Councilwoman Casals-Muñoz.

5. Second reading of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to renew a lease agreement between the City, as landlord, and Miami-Dade County, Florida, Department of Human Services, as Tenant, for use of office space consisting of 899 square feet, Rooms 103, 104, 105, 106, 109 and 110, at the Blanche Morton Neighborhood Service Center, located at 300 East 1 Avenue, Hialeah, Florida, for a period of one year, commencing on November 1, 2012 and ending on October 31, 2013, for an annual amount of \$10,406.88, payable in equal monthly rental payments, with a 5% annual increase in rent for one successive year, in the form as attached hereto as Exhibit “1”; providing penalties for a violation hereof; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0) ORDINANCE 2012-84**

Motion to Approve made by Councilman Hernandez and seconded by Councilwoman Casals-Muñoz.

6. Board Appointments –
 - a. Proposed resolution reappointing **Richard S. Martin** to the Board of Trustees of the Employees General Retirement System for a two (2)-year term commencing January 1, 2013 and ending on December 31, 2014. **APPROVED (7-0)**
RESOLUTION 2012-139

Motion to Approve made by Council Vice President Gonzalez and seconded by Councilman Caragol

- b. Proposed resolution reappointing **Alan Voorhees** to the Board of Trustees of the Employees General Retirement System for a two (2)-year term, commencing on January 1, 2013 and ending on December 31, 2014, or date of separation of employment if occurs sooner. **APPROVED (7-0) RESOLUTION 2012-140**

Motion to Approve made by Councilman Caragol and seconded by Councilwoman Cue-Fuente.

- c. Proposed resolution reappointing **Robert Williams III** to the Board of Trustees of the Employees General Retirement System for a two (2)-year term commencing on January 1, 2013 and ending on December 31, 2014. **APPROVED (7-0) RESOLUTION 2012-141**

Motion to Approve made by Councilman Hernandez and seconded by Council Vice President Gonzalez.

- d. Proposed resolution reappointing **Robert Williams II** to the Board of Trustees of the Employees General Retirement System for a two (2)-year term commencing on January 1, 2013 and ending on December 31, 2014. **APPROVED (7-0) RESOLUTION 2012-142**

Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilwoman Casals-Muñoz.

7. Unfinished Business – **None**

8. New Business - **None**

9. Comments and Questions –

- a. **Mayor Hernandez mentioned that this is the last Council Meeting in the year 2012.**
- b. **Mayor Hernandez thanked the City Council, department heads and personnel for their hardwork. He mentioned that although these are tough times, it has been a great year with a balanced budget, new City website, events, and more efficiency in each City department.**
- c. **Mayor Hernandez wished everyone happy holidays.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1.** First reading of proposed ordinance rezoning from R-1 (One Family Residential District) to R-2 (One and Two Family Residential District) and granting a variance permit to allow a west side setback of 4.5 feet for a distance of 24.40 feet, where no less than 7.5 feet are required, contra to Hialeah Code § 98-546. **Property located at 760 East 24 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Marietta Miralles Bouza) (*Tabled on 11/27/12 – Applicants were not present*). **REMOVED FROM TABLE (7-0); APPROVED (7-0)**

Motion to Remove from Table made by Councilwoman Casals-Muñoz and seconded by Council Vice President Gonzalez.

Motion to Approve made by Councilman Caragol and seconded by Councilwoman Lozano.

- PZ 2.** Second reading of proposed ordinance granting a variance permit to allow an indoor soccer facility with a restaurant as an ancillary use to sell and serve beer and wine for consumption on premises on property zoned M-1 (Industrial District), and to allow 30 parking spaces, where 72 parking spaces are required, contra to Hialeah Code §§ 98-1371(a)(1) and 98-2189(7). **Property located at 8081 West 28 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Jose Pelaez & Magda) **APPROVED (7-0) ORDINANCE 2012-85**

Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilman Caragol.

- PZ 3.** Second reading of proposed ordinance rezoning from R-1 (One Family Residential District) to R-O (Residential Office District) according to the site plan prepared by Rafael Droz-Seda, P.E. dated October 1, 2012 and granting a variance permit to allow a lot width of 52.5 feet, where a minimum average width of 75 feet is required, to allow a total lot area of 6,877 square feet, more or less, where at least 7,500 square feet is required, and to allow a two-way driveway of 9 feet in width, where a minimum width of 20 feet is required, contra to Hialeah Code §§ 98-779 and 98-2188. **Property located at 174 East 49 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Dr. Luis A. Ramos) **APPROVED (7-0) ORDINANCE 2012-86**

Motion to Approve made by Councilman Caragol and seconded by Councilwoman Casals-Muñoz.

- PZ 4.** Second reading of proposed ordinance granting a variance permit to allow a lot coverage of 37.3%, where a maximum of 30% is allowed; to allow side setbacks of 5 feet, where at least 5.1 feet are required, and to allow a rear setback of 18.98 feet, where 20 feet are required, contra to Hialeah Code §§98-501, 98-502, and § 98-2056(b)(2). **Property**

located at 6107 West 22 Lane, Hialeah, Florida. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Ralph Palazona)
APPROVED (7-0) ORDINANCE 2012-87

Motion to Approve made by Councilman Caragol and seconded by Councilwoman Casals-Muñoz.

NEXT CITY COUNCIL MEETING: January 8, 2013 AT 7:00 P.M.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).